



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON, D.C. 20370-5100

TRG
Docket No: 3554-00
13 December 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 12 December 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Marine Corps on 26 January 1984 at age 20. On 20 March 1984 it was reported that a urinalysis showed that you had used phenobarbital. The subsequent substance abuse evaluation states, in part, as follows:

....states that he used a "couple of lines" of cocaine on Christmas Eve 1983, and he feels that the cocaine probably had phenobarbital in it. (He) first used marijuana at age 17. ... (and) that he has used cannabis a total of 17 separate occasions. (He) was arrested and convicted of possession of marijuana at age 19.

The evaluation concluded that your drug use could not be considered experimental in nature and recommended separation from the Marine Corps as soon as possible.

On 2 April 1984 you were notified of separation processing by reason of fraudulent enlistment due to your failure to disclose

preservice drug use. In connection with this processing, you elected to waive your procedural rights. On 6 April 1984 the separation authority directed an entry level separation. You were so separated on 10 April 1984.

Regulations require the issuance of an uncharacterized entry level separation to individuals separated within the first 180 days of active service. Since you have been treated no differently than others in your situation, the Board could not find a basis to change the entry level separation to an honorable discharge.

Concerning the reason for separation, the Board noted that you fraudulently enlisted in the Marine Corps because you did not mention your preservice drug use at the time you enlisted. Since the reason is correct, the Board concluded that no change is warranted.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director